

REMARKS

The Applicants acknowledge the Examiner's recognition that the instant application is a proper National Stage entry of PCT/US2004/21776, filed July 7, 2004, which claims benefit from U.S. Provisional patent application No. 60/486,691, filed July 11, 2003. Further, Applicants acknowledge the Examiner's recognition of the election of the invention of Group III, which constitute claims 1, 3, 6-7, 10 and 14-18, directed to a method for treating, preventing the progression, ameliorating, controlling or reducing the risk of a movement disorder in a patient in need thereof that comprises administering to the patient a therapeutically effective amount of a mGluR4 receptor positive allosteric modulator or a pharmaceutically acceptable salt thereof.

Claims 6-7, 11-12 and 15-18 are withdrawn from examination pursuant to 37 C.F.R. § 1.142(b) as being directed to non-elected subject matter and therefore claims 1, 3, 10 and 14 were examined on the merits by the Examiner (Official Action, p. 3).

Enablement 35 U.S.C. § 112, first paragraph

The Examiner rejected Claims 1, 3, 10 and 14 under 35 U.S.C. § 112, first paragraph, based on the lack of enablement in the specification for preventing or preventing the progression of Parkinson's disease using the compound PHCC. The Examiner stated that the specification defines the term "treating," as used in the claims, both to the treatment and to the prevention or prophylactic therapy of movement disorders. Therefore, the Examiner claims that such a definition includes the prevention of Parkinson's disease and that one skilled in the art could not practice the claimed subject matter of preventing or preventing the progression of Parkinson's disease by administering PHCC without undue experimentation. The Examiner alleges that an

artisan would not accept on its face that prevention or the prevention of the progression of Parkinson's disease could actually be achieved given the state of the art at the time of the invention.

The Applicants disagree with the Examiner's rejection of Claims 1, 3, 10 and 14 as allegedly lacking enablement under 35 U.S.C. § 112, first paragraph. However, to advance prosecution of the instant application Applicants have amended the specification and Claims and added new Claims that encompass the treatment of Parkinson's disease. The new added Claims are supported in the specification, in particular, on pages 5 and 6. In view of the amendments of the specification and Claims, treatment as claimed in Claim 1 does not encompass the prevention or prophylactic therapy of Parkinson's disease. Therefore, the Examiner's concern about the invention circumscribing the prevention of the disease is obviated.

In view of the traverse of the Examiner's rejection under 35 U.S.C. § 112, first paragraph, Applicants request examination of the full scope of the Claims, including Claim 1 as written.

The Examiner states on page 10 of the Official Action that the reference Marino et al., is pertinent to Applicant's disclosure. The Applicants have noted this reference and further indicate that it was published on November, 11, 2003, after the priority date of July 11, 2003 of the instant application.

Applicants maintain that this response is made without prejudice to those aspects of the invention circumscribed by the withdrawn Claims as these Claims may be claimed in related patent applications. In view of the amended specification and Claims and arguments, Applicants have traversed the Examiner's rejection and it is believed that the

Claims are in a condition for allowance, and a notice to that effect is respectfully requested. No new matter has been added to the specification.

If the Examiner feels that a telephone conference would be of value, he is invited to contact the undersigned counsel at the number indicated below.

The USPTO is authorized to charge Deposit Account No. 50-4644 of Bressler, Amery & Ross, P.C. for any charges in connection with this matter, including any fees related to extensions of time, which the USPTO may assume are requested if required.

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Respectfully submitted,

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